

The Examiner also rejected claims 1-22 under § 103 (a) as unpatentable over Zoffel et al. (5,274,547) in view of the article by Prince and the CFI article. To the extent that any of these rejections might still be applied to the claims currently pending, they are respectfully traversed as follows.

**Zoffel et al. Do Not Teach or Suggest Extracting Financial Regulatory Data**

First, the Examiner alleges that Zoffel et al. teach “extracting financial regulatory data” in the abstract. It is respectfully submitted that Zoffel et al. teach the preparation of individual credit reports in col. 1, lines 6-10, lines 33-64 and col. 3, lines 41-47. An individual’s credit report is based, in general, on two factors; the individual’s income and the individual’s expenses. This data is indicative of the relative credit worthiness of the individual. It is not related to the fair lending laws nor a financial institution’s compliance with those laws across a broad band of customers. In other words, Zoffel et al. only collect data regarding a single customer to generate that customer’s credit report while the present invention, as claimed, collects data from a wide variety of sources and customers so as to check the financial institution’s compliance with the fair lending laws. Since Zoffel et al. teach extracting data to measure the credit worthiness of an individual, and not data related to the fair lending laws, it follows that Zoffel et al. do not teach or suggest extraction of the necessary data to check compliance with the fair lending laws.

**Zoffel et al. Do Not Teach or Suggest Reformatting Data**

The Examiner alleges that Zoffel et al. teach or suggest the reformatting of data in col. 18, lines 48-61. It is respectfully submitted that Zoffel et al. teach the reformatting of data for a report for the credit report requester. This is separate and distinct from reformatting data that is processed

further. The distinction is that the Zoffel et al. process is completed when data are reformatted for the report, whereas the present invention, as claimed, reformats the data in the middle of the process before it is placed into a report. For at least this reason it is respectfully asserted that the claims are allowable over the asserted prior art.

**Zoffel et al. Do Not Teach or Suggest Integrating New, Normalized**

**Data with Stored, Normalized Data**

The Examiner asserts Zoffel et al. teach the claimed limitation pertaining to “integrating” in the abstract by stating “the central processing facility eliminates duplicated data, selects the best data if there are conflicts, and merges the remaining data into a single report.” It is respectfully submitted that Zoffel et al. merge recently retrieved data, not stored data with newly acquired data. See col. 5, lines 40-50.

Zoffel et al. do not merge stored data because Zoffel et al. are interested in providing a credit report. People’s credit changes over time. Thus, if a customer makes the last car payment in May, that customer’s credit rating will increase in June. There is therefore no need to merge the fact that the customer has made a car payment in May when the creditor is interested in the credit worthiness of the customer in June and beyond. Since Zoffel et al. do not teach or suggest the integration of new data with stored data, withdrawal of this rejection is respectfully requested.

**Zoffel et al. Do Not Prepare Reports on a Periodic Basis**

Zoffel et al. do prepare credit reports as asserted by the Examiner. These reports, however, are typically only generated when requests for them are made. For example, a credit report is typically generated when a customer obtains a loan to purchase an automobile. As this customer will

not rationally buy a car on a periodic basis, it follows that a credit report on this customer may not be needed for some period of time. This type of credit reporting is demand based and not periodic as asserted by the Examiner. Since the present invention, as claimed, generates reports on a periodic basis, which are used to determine a financial institution's compliance with the fair lending laws, and Zoffel et al. describe a system for generating credit reports on individuals on a demand basis, it follows that Zoffel et al. do not teach nor suggest the amended claims. For at least this reason, withdrawal of the rejection is respectfully requested.

Similarly, it also follows that, since Zoffel et al. do not teach or suggest producing reports on a regular basis, it follows that Zoffel et al. does not produce reports on a monthly basis.

#### **Zoffel et al. Does Not Transmit Reports to Regulators**

The Examiner alleges that Zoffel et al. teach "transmitting said reports" in column 3, lines 31-32. While it is true that Zoffel et al. do teach the transmission of reports, Zoffel et al. fail to teach the destination of those transmissions. This point becomes even more important when it is realized that Zoffel et al. generate credit reports based on individual customers. With this established, the question is what do regulators want with individual credit reports? Since regulators are not interested in individual credit reports, it follows that Zoffel et al. do not teach or suggest transmitting reports pertaining to federal regulations to regulators.

#### **CFI Does Not Explicitly Teach Normalization of Data**

The Examiner alleges that CFI teaches "reporting and analysis" of data. Zoffel et al. generate credit reports as noted above. Zoffel et al. also analyze data, in some form, in that they eliminate duplicated data. Since the Examiner does not believe that Zoffel et al. teach or suggest

normalization, yet Zoffel et al. does teach “reporting and analysis,” it follows that simply having a reference that teaches “reporting and analysis” cannot be an indication that Zoffel et al. teach or suggest normalization. For at least this reason, Applicant asserts that CFI does not necessarily contain a teaching of normalization of data.

In addition, if the Examiner still believes that the CFI reference does contain a teaching of normalization, it is respectfully requested that the Examiner provide more explanation as to how he has reached that conclusion. More specifically, the Examiner is respectfully requested to provide a teaching reference that shows normalization to occur in all systems that “report and analyze” data pursuant to MPEP § 2144.03.

#### **Prince Does Not Teach or Suggest Normalization of Data**

The Examiner alleges that since Prince teaches “using sophisticated statistical analysis” that Prince is therefore “likely [to] incorporate normalization techniques.” It is respectfully requested that the Examiner provide some evidence that Prince does indeed incorporate normalization techniques pursuant to MPEP § 2144.03.

#### **The Motivation to Combine Zoffel et al., CFI and Prince is Improper**

Assuming *arguendo* that CFI and/or Prince teach normalization techniques, the Examiner has failed to show the needed motivation to add normalization to Zoffel et al. In other words, in order to add normalization to Zoffel et al., there is the implication that Zoffel et al. fail to teach normalization as set forth by the Examiner. The Examiner fails to provide any evidence in the Zoffel et al. reference that leads one to the conclusion Zoffel et al. receives non-normalized data and must therefore go through a normalization process. It is respectfully submitted that the Examiner is

merely speculating that Zoffel et al. receive non-normalized data and must therefore perform that step. It is respectfully requested that the Examiner either provide evidence showing a need in Zoffel et al. for normalization or withdraw the rejection.

In addition, the Examiner asserts that it would have been obvious to combine the credit reporting reference (Zoffel et al.) with two fair lending references (CFI and Prince). These two sets of references are solving different problems. It is respectfully submitted that combining these references as the Examiner sets forth destroys the individual credit reporting feature of the Zoffel et al. reference. Since the purpose of the Zoffel et al. reference is specifically designed to provide individual credit reports, the Examiner's proposed combination would destroy that purpose and thus destroy Zoffel et al. An obviousness rejection cannot destroy a reference. MPEP § 2143.01 *citing In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) ("if a proposed modification would render the prior art invention being modified unsatisfactorily for its intended purpose, then there is no suggestion or motivation to make the proposed modification"). Since, it is submitted, the rejection requires the destruction of the Zoffel et al. reference, it follows that the Examiner's rejection is improper and it is respectfully requested that the Examiner withdraw the rejection.

In addition, the Examiner's motivation to combine Zoffel et al. with CFI and Prince rests on impermissible hindsight. The Examiner asserts that it would have been obvious to one of ordinary skill in the art to combine the references because "both references [CFI and Prince] teach reporting financial regulatory information and would be applied just as easily to one type of information, like fair lending laws information, as another, such as credit report information with similar benefits." First, the Examiner fails to cite to any reference that supports this conclusion. It is respectfully requested that the Examiner provide a reference that demonstrates the equivalence of generating fair lending law reports with individual credit reports pursuant to MPEP § 2144.03.

It is further respectfully submitted that the end result of generating reports is not enough to demonstrate equivalence. First, both processes receive different types of data. Individual credit reports receive data about an individual's income and expenses with a view towards generating a score that places this individual on a range measuring credit riskiness. Fair lending law reports receive data from a plurality of branches of a financial institution, which may include data from a great number of customers, and compile it with a view to comparing that data with the current requirements of the fair lending laws. Since both types of reports require different types of data and both types of reports produce different types of outputs, albeit in a report format, then it follows that the generating of both types of reports results in the conclusion that these systems/processes are not equivalent and not obvious in view of one another. Since the Examiner has not demonstrated how these processes are equivalent, it follows that the Examiner's rejection cannot stand, and it is respectfully requested that the Examiner withdraw the rejection. *See* MPEP § 2144.07.

**Zoffel et al. Does Not Teach Feeds From A Plurality of Business Units**

The Examiner alleges that Zoffel et al. teach retrieving data from a plurality of business units. The Examiner then equates several credit repositories (TRW, CBI and Trans Union) with business units. This equivalence is unfounded. A plurality of financial institutions use the credit repositories to generate individual credit reports. It is submitted that these repositories are not business units within a single financial institution. It is respectfully requested that the Examiner provide a reference that shows the various credit repositories being business units within a financial institution where the data within those repositories is used to generate reports pertaining to fair lending law compliance or withdraw the rejection.

In addition, it is respectfully submitted that the credit repositories do not issue loans, but provide data that relates to an individual's credit rating. The Examiner has failed to show any correlation between the data stored in the credit repositories and the data needed to show compliance with the fair lending laws. It is respectfully requested that the Examiner provide a teaching reference that shows the data being stored within a credit repository being used to provide information relating to a financial institution's compliance with the fair lending laws or withdraw the rejection.

Further, the plurality of sources cited by the Examiner, namely TRW, CBI and Trans Union, all provide relatively similar information. It is respectfully submitted that a plurality of similar sources, that all provide data with the single goal of assisting in generating credit reports, fail to provide enough information about how and to whom a financial institution disperses its loan assets so as to render the present invention, as claimed, obvious. It is respectfully requested that the Examiner withdraw the rejection.

#### **Zoffel et al. Does Not Expressly Teach or Suggest Standardizing**

The Examiner asserts that Zoffel et al. teach standardizing in column 18, lines 48-61. It is submitted that this citation by the Examiner only discloses a merging of data onto a report. It is further respectfully submitted that the reference fails to demonstrate that the various credit repositories send information in different formats such that standardization is required. It is therefore respectfully requested that the Examiner withdraw the rejection.

#### **Zoffel et al. Store the Reports, Not the Data Used to Generate the Reports**

In column 6, lines 14-15, Zoffel et al. disclose "maintaining an orderly filing system for the merged reports." The merged report is the final product. It is respectfully submitted that Zoffel et al.

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fail to disclose saving the intermediate data used to obtain the final merged report. It is respectfully requested that the Examiner particularly point out where in Zoffel et al. intermediate data is stored or withdraw the rejection.


### Conclusion

For all of the above reasons, it is respectfully submitted that the claims now pending patentably distinguish the present invention from the prior art of record. Accordingly, reconsideration and withdrawal of the outstanding prior art rejections and an issuance of a Notice of Allowance are earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, he is encouraged to telephone the undersigned representative at the number listed below.

Respectfully submitted,

Date: 3/29/99

  
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